

Exhibit 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/544,151 Confirmation No. 6429
Applicant : Francis X. Smith
Filed : August 1, 2005 Art Unit: 1612
Title : OPTHALMIC AND CONTACT LENS
SOLUTIONS CONTAINING SIMPLE SACCHARIDES AS
PRESERVATIVE ENHANCERS
Examiner : Zohreh A. Fay
Docket No. : 3009108 US01
Customer No. : 44,331

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. §132

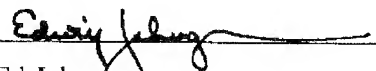
I, Ed Jahngen, do hereby declare and say:

1. I, Ed Jahngen, am a resident of Kingston, in Rochester County in the State of New Hampshire. I am a citizen of the USA. I received a Bachelor of Science degree in Chemistry in 1968 from Bates College. I received a PhD in Chemistry from the University of Vermont in 1974. I have been employed by University of Massachusetts since 1982 and engaged since that time in the field of ophthalmic application among other biochemical pursuits. I am a named inventor or co-inventor on over 10 issued United States Patents related to my research and development activities. For these reasons I consider myself an expert in the field of ophthalmic applications.
2. I am familiar with the Office Action, and the references cited herein.
3. The above-referenced pending application is directed to an ophthalmic solution, and more specifically in one embodiment a contact lens solution, and a method for applying the

solution containing a select group of simple saccharides; a preservative, and not more than about 0.2 percent by weight chloride. The solution being an aqueous solution effective as a single-part solution and is physiologically compatible with direct contact with corneal tissue.

4. The applied reference of Asgharian et al. is directed to a liquid enzyme composition for cleaning a contact lens.
5. Enzyme solutions, such as those taught by Asgharian et al., are often used to digest protein build up on contact lenses.
6. Enzyme solutions are harmful when they come in direct contact with the eye. The enzymes are capable of digesting the proteins naturally found in the eye causing severe adverse effects.
7. When using enzyme solutions it is imperative to rinse away the enzyme solution prior to placing the contact lens in the eye.
8. The claims of the instant application require that the solution be physiologically acceptable for direct contact with corneal tissue.
9. Do to the extreme dangers of enzyme solutions, such as those disclosed by Asgharian et al., it is not suitable to use an enzyme solution for in-eye applications.
10. I further declare that all statements made herein are of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 29. March. 2010


Ed Jahngen